

REMARKS

Claims 42 and 43 have been amended as suggested on page 2, item 1 of the Final Rejection.

The independent claims have been amended to require the audio output devices to be actually or notionally located inside a cylindrical locus of points or to be located closer to a user of the audio output devices than the positions of the plural synthesized sound sources. Support for this limitation is found in Figures 4 and 5, for example, that indicate the headphones are inside a surface where the synthesized sound sources are located. In addition, headphones are discussed on page 11, lines 9-11, 21, 25, for example. It is also apparent that the fixed loud speakers mentioned at page 11, line 24, and the vehicle sound system mentioned on page 11, lines 29 and 30 are such that the audio output devices thereof are actually or notionally located inside the cylindrical locus of points.

The foregoing limitation clearly distinguishes over Arnold et al., USP 6,154,549, previously relied on to reject claims 1-63 under 35 U.S.C. 102(b). In Figure 1 of Arnold et al., speakers 16 are shown as being located outside spatial environment 18. Similarly, in Figure 2, speakers 16 are located outside of the circular environment including points 0, 32, 64 and 96. In Figure 3, speakers 16 are also located outside the spatial environment including several different rings, each of which includes points. Similarly, in Figure 8, speakers 16 are located outside of the spatial environment including point 20. Figure 13 indicates speakers 16 are located outside the spatial environment including rectangles. Figures 14 and 15 indicate speakers 16 are located outside the spatial environment

including cubes. Figure 16 indicates speakers 16 are located outside a spatial environment including concentric cylinders and Figure 17 indicates speakers 16 are located outside a three-dimensional spherical spatial environment.

Applicant, by locating the audio output devices as now set forth in the independent claims, is able to achieve results as set forth in the introductory portion of the application by using devices such as headphones, as now set forth specifically in newly added claims 64 and 65, respectively dependent on claims 1 and 28.

While applicants do not agree with many of the rejections of the dependent claims, applicants see no point in belaboring the arguments associated with the dependent claims at this time.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Allan M. Lowe", written over the printed name.

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